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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,144	06/01/2001	Erik K. Jurvis	25039A	3286

22889 7590 09/17/2002

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/873,144

Applicant(s)
ERIK K. JURVIS ET AL.

Examiner
YVONNE M. HORTON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 24, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13, 17, and 18 is/are rejected.
- 7) ☒ Claim(s) 5 and 14-16 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-3,6-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,012,876 to GRUBBS. Regarding claim 1 and 11, GRUBBS discloses a component (14) having an elongated body for receiving a plurality of siding members (2) for covering a wall (12); wherein, the component includes first and second receivers (16) projecting “substantially” 180 degrees on opposing sides of the body receiving a portion (P) of the siding member (2) and includes an outwardly bowed portion (18), see the marked attachment. In reference to claim 2, the rear wall of the component about the first and second (16) can serve as a fastener receiving portion. Regarding claim 3, the bowed portion (18) is integral with the receivers. In reference to claim 6, the receiver includes an end wall (EW), see the marked attachment. Regarding claim 7, the end walls (EW) that are substantially parallel. In reference to claim 8, the receivers (16) includes a first wall (FW), an end wall (W), and the back wall of the component which serves as the fastener portion, see the marked-up attachment. Regarding claim 9, the first wall (FW) of the fastener receiving portion is connected to an outwardly bowed portion (4) of the siding (2). In reference to claim 10, fastener receiving portion, which is the back wall of the component (14) is

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elongated relative to the first wall (FW). Regarding claim 12 and 13, the siding members (16) are located both horizontally and vertically in the same plane.

3. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,012,876 to GRUBBS. GRUBBS discloses the method for installing a plurality of siding members (2) including the steps of vertically orienting an elongated component (14) having first and second receivers (16) projecting “substantially” 180 degrees on opposing sides of the body; inserting the first end of the plurality of siding members (2) into one of a first or second receiver (16); inserting a second end of the plurality of siding members (2) into one of a first or second receiver (16); and affixing the siding members to the wall of a building (12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,012,876 to GRUBBS. As detailed in paragraph # 2 above, GRUBBS discloses the basic claimed component except for the inclusion of the component including indicia to portray the appearance of a vertically extending log. Although GRUBBS does not disclose indicia wherein a vertical appearance is portrayed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known exterior design as an obvious matter of design choice to depend upon the appearance desired. It is old and very well known in the art to inscribe log members, especially synthetic log members, to have horizontal and vertical log extension appearances.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,012,876 to GRUBBS. As detailed in paragraph #3 above, GRUBBS discloses the basic claimed method except for explicitly disclosing the use of fasteners. Although GRUBBS is silent in this regard, fasteners are old and very well known in the art of siding members. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of GRUBBS to include the use of fasteners.

Allowable Subject Matter

8. Claims 5 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the use of a component for use in a siding system including an elongate body including in combination an outwardly bowed portion and having first and second U-shaped receiving sections projecting “substantially” 180 degrees on opposing sides of the body.

Response to Arguments

10. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton
Patent Examiner
Art Unit 3635
September 16, 2002

